

**IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                               |   |                            |
|-------------------------------|---|----------------------------|
| WAGO VERWALTUNGSGESELLSCHAFT, | ) |                            |
|                               | ) |                            |
| Plaintiff,                    | ) | Civil Action No. 1:11CV756 |
|                               | ) |                            |
| v.                            | ) | JUDGE CHRISTOPHER A. BOYKO |
|                               | ) |                            |
| ROCKWELL AUTOMATION, INC.,    | ) |                            |
|                               | ) |                            |
| Defendant.                    | ) |                            |

**STIPULATION REGARDING JOINDER AND LIMITATIONS ON DISCOVERY**

During the October 26, 2012 case management conference, the Court asked the parties to meet and confer regarding discovery limits under which the parties would be willing to operate if WAGO KONTAKTTECHNIK GmbH & CO. KG (“WKT”) were joined as a plaintiff with WAGO VERWALTUNGSGESELLSCHAFT (“WVG”). WKT is a German corporation having its principal place of business at Postfach 28 80 32385 Minden, Hansastrasse 27, 32423 Minden, Germany.

The parties have reached a stipulation regarding the scope of discovery, as set forth below, and ask the Court to ORDER that discovery be limited as follows:

1. Each side shall be limited to 25 interrogatories. Thus, WVG and WKT in combination shall be limited to 25 interrogatories to Rockwell Automation, Inc. (“Rockwell”), and Rockwell shall be limited to 25 interrogatories total between WVG and WKT, wherein both WVG and WKT are required to respond to each interrogatory.

2. The parties shall follow the Federal Circuit's model order regarding email discovery, except that e-discovery limits, including those set forth in paragraphs 9, 10 and 11, shall be imposed on a per side basis, not a per party basis:

- a. WVG and WKT combined shall be limited to email discovery from up to 5 custodians at Rockwell and up to 5 search terms per custodian.
- b. Rockwell shall be limited to email discovery from up to 5 custodians combined for WVG and WKT and up to 5 search terms per custodian.
- c. Any future increase regarding the number of custodians or number of search terms shall be made on a per side basis, not a per party basis.

3. Rockwell shall be entitled to take one 30(b)(6) deposition each of WVG and WKT in Cleveland, Ohio (or other location in the United States) and WVG and WKT agree to produce witnesses for depositions in the United States knowledgeable about the topics Rockwell notices. Rockwell agrees to take both WVG and WKT depositions on the same day since the designated witnesses will overlap, however the parties recognize the possibility that the depositions may require more than one day in order to complete. To the extent Rockwell desires to take any additional 30(b)(6) deposition(s), such deposition(s) shall be held in London (or other mutually agreeable location) and each party shall bear its own costs.

Finally, the parties do not oppose and stipulate to the joinder of WKT as a plaintiff and hereby request the Court to ORDER that WKT be joined as a plaintiff in this action.

Date: November 5, 2012

Respectfully submitted,

/s/ Mark C. Johnson

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2012 a copy of foregoing was filed electronically. Notice of this filing will be sent to the parties by operation of the of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Mark C. Johnson

*Attorney for plaintiff*

WAGO Verwaltungsgesellschaft

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|                               | ) |                            |
| ROCKWELL AUTOMATION, INC.,    | ) |                            |
|                               | ) |                            |
| Defendant.                    | ) |                            |

**[PROPOSED] ORDER REGARDING JOINDER AND LIMITATIONS ON DISCOVERY**

During the October 26, 2012 case management conference, the parties agreed to meet and confer regarding discovery limits under which the parties would be willing to operate if WAGO KONTAKTTECHNIK GmbH & CO. KG (“WKT”) were joined as a plaintiff with WAGO VERWALTUNGSGESELLSCHAFT (“WVG”). Based on the stipulation reached by the parties, it is hereby ORDERED:

1. Each side shall be limited to 25 interrogatories. Thus, WVG and WKT in combination shall be limited to 25 interrogatories to Rockwell Automation, Inc. (“Rockwell”), and Rockwell shall be limited to 25 interrogatories total between WVG and WKT.

2. The parties shall follow the Federal Circuit’s model order regarding email discovery, except that e-discovery limits, including those set forth in paragraphs 9, 10 and 11, will be imposed on a per side basis, not a per party basis:

- a. WVG and WKT combined shall be limited to email discovery from up to 5 custodians at Rockwell and up to 5 search terms per custodian.

- b. Rockwell shall be limited to email discovery from up to 5 custodians combined for WVG and WKT and up to 5 search terms per custodian.
- c. Any future increase regarding the number of custodians or number of search terms will be made on a per side basis, not a per party basis.

3. Rockwell shall be entitled to take one 30(b)(6) deposition each of WVG and WKT in Cleveland, Ohio (or other location in the United States) and WVG and WKT agree to produce witnesses for depositions in the United States knowledgeable about the topics Rockwell notices. Rockwell agrees to take both WVG and WKT depositions on the same day since the designated witnesses will overlap. To the extent Rockwell desires to take an additional 30(b)(6) deposition, it will be held in London (or other mutually agreeable location) and each party will bear its own costs.

4. WAGO KONTAKTTECHNIK GmbH & CO. KG is hereby joined as a plaintiff.

IT IS SO ORDERED.

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CHRISTOPHER A. BOYKO  
United States District Judge

DATE: \_\_\_\_\_